

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 00-6309-CR-SEITZ

MARK WEISS,

Magistrate Judge Garber

Defendant.

**DEFENDANT'S MOTION FOR MODIFICATION OF
BOND CONDITIONS**

COMES NOW the Defendant MARK WEISS by and through his undersigned counsel and moves this Court for the entry of an order modifying his conditions of bond eliminating the drug testing requirement and as grounds therefor would state as follows:

1. That on or about October 26, 2000 the defendant along with numerous other individuals was arrested as a result of a federal grand jury in this case returning an indictment at Ft. Lauderdale.

2. That as a result of an agreement with the Government also on October 26, 2000, the defendant was released on a \$100,000 personal surety bond. The agreement was ratified by the Court per U.S. Magistrate Judge Barry S. Seltzer in Ft. Lauderdale.

3. That the condition of the Defendant's bond that is requesting to be modified is despite his lack of prior drug usage, the defendant is subjected to random urinalysis.

4. According to the defendant, who has no illegal drug history, has taken numerous drug tests since his release and has passed each one. The defendant has a long-term medical history that includes diabetes and therefore he does not drink alcohol as well.

355/10

5. On February 19 and 21, 2001, the undersigned attempted to speak with Ms. Evans regarding her position on this matter, however, she was not in the office and a voice mail message was left.

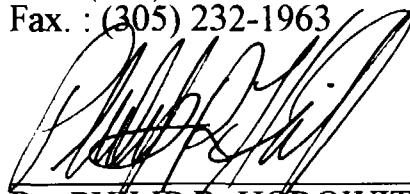
6. Pursuant to Local Rule 88.9 the undersigned attempted to speak with Assistant United States Attorney Brian McCormick regarding his position on this motion, however, Mr. McCormick was not available and a voice mail message was left.

WHEREFORE, the Defendant MARK WEISS respectfully requests that this Court enter an order modifying the bond conditions as requested above.

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed this 21st day of February 2001 to: J. BRIAN McCORMICK, ESQUIRE, Assistant United States Attorney, 500 East Broward Boulevard, Suite #700, Ft. Lauderdale, Florida 33301 and to MS. ELLA EVANS, United States Pretrial Services Officer, 330 Biscayne Boulevard, Suite #500, Miami, Florida 33132.

Respectfully submitted,

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By: PHILIP R. HOROWITZ, ESQUIRE
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